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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,281	02/17/2005	Francesco Muller	P/231-153	7772
2352	7590	03/07/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			PHAN, THANH S	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/525,281

Applicant(s)

MULLER, FRANCESCO

Examiner

Thanh S. Phan

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/08/05:02/17/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities: the specification is generally narrative and unclear. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 2-3 recite a “**jumbled sequences** of the values to be displayed”, it is unclear what is mean by a jumbled sequence, because jumble is a relative term depend on each individual interpretation of the term. Is the applicant referring to the “large angular movement” of the indication hand(s) relative to the random placement of the indication numbers?

Regarding claim 2, it is unclear if there are two different and distinctive dials one having 12 indications **and** one dial having 31 indications, or it is just one dial having either 12 **or** 31 indications as illustrated in figures 1 and 7 respectively.

Regarding claim 7, the examiner suggested that “anti-clockwise” to be replace with “counter-clockwise”, and “the” cannon-pinion (11) be replace with “a” cannon-pinion

(11) to differentiate from the “truncated cannon-pinion” and to overcome the antecedent basis requirement in the claim.

Regarding claim 8, it is unclear if “rack” (32) and “rack” (35) are the one or two distinctive “rack”. The examiner suggest that the “rack” (32) should be rename as “a minute lever” since it associates with the minute pinion, and “rack” (35) should be rename as “a hour lever” since it associates with the hour wheel. The examiner believes that “lever” is a more precise term than “rack” in this instinct. Furthermore, the “snail” should be replace as a “cam” to describe rotating or sliding mechanical linkage. The applicant could claim a specific structure of the “cam” if desired. It is unclear what is meant when “the hour wheel **as it drops**”; clarification is need.

As best understood by the examiner, the following rejections are made:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim [US 4,833,661].

Regarding claim 1. Kim discloses an analogue display device [1] for a timepiece, comprising display means arranged to jump relative a dial having a jumbled sequence of the values to be displayed, characterized in that the values to be displayed on the dial

are offset by regular intervals of a certain number of successive positions the sequence the values to be displayed [figures 1-5 and ABSTRACT].

Regarding claim 2. Kim discloses a device, characterized in that the offset is 1, 5, or 7 successive positions for a dial having 12 indications or sequences [abstract; lines 1-2].

Regarding claim 3. Kim discloses a device characterized in that the dial displays the time by means of hands [2, 3 and 4].

Regarding claim 6. Kim discloses a device characterized in that the values to be displayed are hours and minutes [abstract]

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 - 5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Hysel et al. [US 5,323,363].

Regarding claims 4 and 5, Kim discloses the claimed invention except for wherein the display means are discs placed underneath the dial and the dial has cut-cuts to reveal the values displayed on the discs.

Hysek et al. Disclose a timepiece wherein the dial [1] comprises cut-outs [windows 5 and 7] to reveal information displayed on rotational discs [6, 10] place underneath.

Since Kim and Hysek et al. are both from the same field of endeavor, the purpose disclosed by Hysek et al. would have been recognized in the pertinent art of Kim.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Hysek et al. with Kim for the purpose of presenting additional information on a timepiece.

Regarding claims 7 and 8. Kim discloses a timepiece wherein comprising stepping motors [ M1-3] and circuitries [figures 4-5] to control and operate the timepiece. Kim discloses the above operation mechanism except for a control mechanism having a winding wheel secured to an impulse wheel driven by an impulse spring that propels the impulse wheel in an anti-clockwise direction following the tensioning of the spring by a truncated cannon-pinion secured to the cannon-pinion and completing one rotation per hour and a rack connected to the minute pinion; and a rack connected to the hour wheel the rack being guided by a snail mounted on a return wheel driven by the standard cannon-pinion of the movement, the rack dropping into the cut-away section of the snail after a complete rotation of the snail, and driving the minute pinion and the hour wheel as it drops, thus allowing for a jump from one hour to the next. Kim further teaches that it is known that various changes and modifications can be made to the device without departing from the scope of the invention [which is to illustrate time with random sequences of indications] would have been obvious [column 6, line 3-7].

It is old and well known in the horology art wherein electronic, electromechanical and/or mechanical controlling mechanisms are used to performing the time telling function [see Hysek et al.; figures 6-8].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kim invention by using a mechanically design [as claimed in claims 7 and 8] as the controlling mechanism for the purpose of achieving a timepiece without or minimum depending upon an electrical providing source.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Coster et al. [US 4,659,232] ; Dismond, III [US 5,051,967].

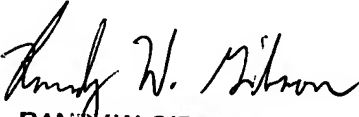
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S. Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**RANDY W. GIBSON  
PRIMARY EXAMINER**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tsp

  
RANDY W. GIBSON  
PRIMARY EXAMINER